

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL MEMORANDUM

HB 2284 – SB 2297

May 5, 2009

SUMMARY OF AMENDMENT (007329): Deletes all language after the enacting clause and requires initial background checks for all persons providing support or having access to the elderly or individuals with disabilities receiving direct health care services. Redefines vulnerable adult to include persons receiving health care, including long-term care services under the provisions of the vulnerable persons registry. Requires state agencies to document that the registry was consulted prior to employment and monitor contractors to ensure compliance with required reporting. Authorizes an agency to terminate a contract with an entity that fails to comply with the requirements and establishes civil monetary penalties for not complying with the registry check as required. Requires background checks for all public guardians, staff, contractors, and volunteers. Guardians and volunteers with fiduciary duties must also submit to a credit report and public guardians must maintain financial records of guardianship activities. Public guardians must also file an Initial Guardianship Plan with the court within 60 days after appointment as a person's guardian and file an annual report on behalf of each ward. Requires the Commission on Aging and Disability to conduct monitoring to ensure compliance with background checks and reporting requirements. The Commission will report findings from the monitoring process to the Select Oversight Committee on Long-Term Care.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$74,900/One-Time
\$1,055,900/Recurring

Increase Federal Expenditures - \$18,700

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – Not Significant

Assumptions applied to amendment:

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- Currently, the Department of Mental Health and Developmental Disabilities, the Division of Mental Retardation Services, and the Department of Human Services conduct background checks during the initial employment of an individual who is working with the identified population of service recipients. Any cost incurred by the proposed changes to the process will not be significant and can be accommodated within existing resources without an increased appropriation or reduced reversion.
- According to the Commission on Aging, the proposed revisions to the guardianship program will not increase the number of service recipients. Any cost incurred due to the proposed administrative changes in the program can be accommodated within existing resources without an increased appropriation or reduced reversion.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/kml